

David Whedbee  
 Jeffrey L. Taren  
 Tiffany Cartwright  
 Sam Kramer  
 MacDonald Hoague & Bayless  
 705 Second Avenue, Suite 1500  
 Seattle, WA 98104  
 Tel: (206) 622-1604 | Fax: (206) 343-3961  
 DavidW@mhb.com  
 JeffT@mhb.com  
 TiffanyC@mhb.com  
 SamK@mhb.com  
*Attorneys for Plaintiffs George Frese and Kevin Pease*

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ALASKA

EUGENE VENT, KEVIN PEASE	)	
and GEORGE FRESE,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:17-CV-00035-HRH
	)	
CITY OF FAIRBANKS, JAMES GEIER,	)	
CLIFFORD AARON RING, CHRIS NOLAN,	)	
DAVE KENDRICK, DOE OFFICERS 1-10,	)	
and DOE SUPERVISORS 1-10,	)	
	)	
Defendants.	)	
<hr/>		
MARVIN ROBERTS,	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:17-CV-00034-HRH
	)	
CITY OF FAIRBANKS, JAMES GEIER,	)	
CLIFFORD AARON RING, CHRIS NOLAN,	)	
DAVE KENDRICK, DOE OFFICERS 1-10,	)	
and DOE SUPERVISORS 1-10,	)	
	)	
Defendants.	)	
<hr/>		

**STIPULATION AND JOINT REPORT: (1) FOR LEAVE TO FILE AMENDED COMPLAINTS; (2) FOR CONSOLIDATION OF COMPLAINTS; and (3) FOR ENTRY OF A JOINT SCHEDULING ORDER**

Plaintiffs and named defendants hereby stipulate and move this Court pursuant to Fed. R. Civ. P. 15 and 16 for: (1) consolidation of the above captioned complaints for purposes of discovery and dispositive motions; (2) for leave for Mr. Roberts to file a Second Amended Complaint; (3) for leave for Messrs. Pease, Frese and Vent to file a First Amended Complaint or Complaints;; (4) and for entry of the Scheduling Order proposed below. Counsel for all parties named in the caption (excluding Doe Officers and Supervisors), stipulate as follows:

1. Complaint No. 4:17-CV-00034-HRH was filed by Marvin Roberts on December 7, 2017. A First Amended Complaint was filed in that matter on February 9, 2018. On March 2, 2018, Defendant City of Fairbanks filed a motion to dismiss the *Roberts* case after conferring with plaintiff's counsel and being instructed to proceed with the dismissal motion.
2. Complaint No. 4:17-CV-00035-HRH was filed *pro se* by Eugene Vent, Kevin Pease and George Frese on December 18, 2017.
3. On or about February 21, 2018, Plaintiffs Kevin Pease and George Frese retained the Seattle law firm of MacDonald Hoague & Bayless to represent them in matter 17-cv-35, in association with local counsel Tom Wickwire in Fairbanks.
4. At or about the same time, Plaintiff Eugene Vent retained Kramer and Associates and the New York law firm of Neufeld Scheck & Brustin, LLP, to represent him in this case. Mr. Roberts, who had previously been represented only by Kramer and Associates, has also since retained Neufeld Scheck & Brustin, LLP.

5. Counsel for all Defendants have agreed to accept service of the *pro se* complaint and summons in the *Vent, Pease and Frese* case. The parties are in the process of effectuating that service.
6. Both the *Roberts* case and the *Vent, Pease and Frese* case involve the same alleged set of facts surrounding the arrests, convictions, and eighteen-year incarceration of the Plaintiffs (the “Fairbanks Four”) for a murder they allege they did not commit.
7. On March 5, 2018, this Court issued an Order giving the parties until March 20, 2018, to show cause why the above captioned cases should not be consolidated. Counsel for all parties agree that these cases should be consolidated for the purposes of dispositive motions and discovery.
8. The facts underlying the allegations in these cases go back to October of 1997. There are volumes of evidence, reports, state court files, and transcripts associated with the criminal trial proceedings and post-conviction hearings that must be reviewed by new counsel.
9. Newly retained counsel for all Plaintiffs require additional time in which to review the evidence in this case, and file Amended Complaints.
10. Plaintiffs Frese and Pease will file a First Amended Complaint in 17-cv-0035, removing Vent from that action and making additional allegations and claims but not naming additional defendants. Vent will file a separate amended complaint under a new case number, and Roberts will file a second amended complaint, both of which will make additional allegations and claims but not name additional defendants. The defendants have no objection to the filing of the Amended Complaints and agree that

said Amended Complaints will relate back to the initial complaints in cases 17-cv-0034 and 17-cv-0035.

11. Defendants in the *Roberts* matter have filed a Motion to Dismiss based in part on a release agreement that all four Plaintiffs executed with the State of Alaska in connection with resolving Plaintiffs' petitions for post-conviction relief filed in the Fairbanks Superior Court matter, 4FA-13-02667CI, after the court conducted a five-week hearing on that matter in October–November 2015. The parties anticipate that Defendants will file a similar motion in response to federal claims by Frese, Pease, and Vent.

12. Counsel for all parties have conferred and agree to the following proposed schedule:

- A. Vent will be permitted to file an amended complaint under a new case number. He will file his amended complaint by May 14, 2018.
- B. Cases 17-cv-0034, 17-cv-0035, and Vent's newly filed case shall be consolidated for the purposes of all discovery matters and all dispositive motions. The parties agree to meet and confer at the conclusion of discovery and motions practice to determine and recommend to the Court whether the matters should be tried together or in separate trials.
- C. Plaintiffs in cases 17-cv-0034 and 17-cv-0035 will be granted until May 14, 2018, in which to file their Amended Complaints, which will relate back to the initial filings. The motion to dismiss currently pending in 17-cv-0034 is hereby withdrawn without prejudice pending the filing of Plaintiff Marvin Roberts's second amended complaint.
- D. Defendants will be granted until June 4, 2018, in which to respond to all three Amended Complaints. If Defendants move to dismiss, they will do so in one consolidated motion.
- E. Plaintiffs will be granted until July 2, 2018, to respond any motion to dismiss.

F. Defendants will be granted until August 6, 2018, in which to file any reply in support of any consolidated motion to dismiss.

13. The parties propose filing their Scheduling and Planning Conference Report in accordance with AK LCF 26(f) within 14 days of the Court's ruling on any Motion to Dismiss.

Respectfully submitted this 14th day of March, 2018,

**/s Jeffrey L. Taren**

MacDonald, Hoague & Bayless

1500 Hoge Building

705 Second Avenue

Seattle, WA 98104

Phone: (312) 663-5210 or (206) 622-1604

Fax: (206) 343-3961

Email: jtaren@ktglawyer.com

representing **George Frese and Kevin Pease (Plaintiffs)**

**/s Michael C. Kramer**

Kramer and Associates

542 4th Avenue, Suite 207

Fairbanks, AK 99701

Phone: (907) 888-4098

Fax: (907) 374-3829

mike@mikekramerlaw.com

**/s Richard W. Sawyer**

Neufeld Scheck & Brustin, LLP

99 Hudson St., 8th Floor

New York, NY 10013

Phone: (212) 965-9081

Fax: (212) 956-9084

rick@nbscivilrights.com

representing **Marvin Roberts and Eugene Vent (Plaintiffs)**

**/s Matthew Singer**

Holland & Knight LLP (AK)  
420 L Street, Suite 400  
Phone: (907) 263-6318  
Fax: (907) 263-6345  
matt.singer@hklaw.com

**/s Peter Andrew Scully**

Holland & Knight LLP (AK)  
420 L Street, Suite 400  
Anchorage, AK 99501  
Phone: (907) 263-6347  
Fax: (907) 263-6345  
peter.scully@hklaw.com

representing

**City of Fairbanks** (*Defendant*)

**/s Joseph W. Evans**

Law Offices of Joseph W. Evans  
P.O. Box 519  
Bremerton, WA 98310-0241  
Phone: (360) 782-2418  
Fax: (360) 782-2419  
joe@jwevanslaw.com

representing

**Chris Nolan**(*Defendant*)  
**Clifford Aaron Ring** (*Defendant*)  
**Dave Kendrick** (*Defendant*)  
**James Geier** (*Defendant*)

CERTIFICATE OF SERVICE

I certify that on the 14<sup>th</sup> day of March, 2018, a copy of the foregoing document was served electronically via the CM/ECF system on the following:

Case No. 4:17-cv-00035 HRH:

Thomas R. Wickwire  
Michael C. Kramer

Case No. 4:17-cv-00034 HRH:

Matthew Singer  
Peter Scully  
Joseph Evans  
Richard Sawyer  
Nick Brustin  
Anna Hoffman

s/Terri Flink  
Terri Flink, Legal Assistant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

EUGENE VENT, KEVIN PEASE )  
and GEORGE FRESE, )  
 )  
Plaintiffs, )  
 )  
v. ) Case No. 4:17-CV-00035-HRH  
 )  
CITY OF FAIRBANKS, JAMES )  
GEIER, CLIFFORD AARON RING, )  
CHRIS NOLAN, DAVE KENDRICK, )  
DOE OFFICERS 1-10, and DOE )  
SUPERVISORS 1-10, )  
 )  
Defendants. )  
\_\_\_\_\_ )

MARVIN ROBERTS, )  
Plaintiff, )  
 )  
v. ) Case No. 4:17-CV-00034-HRH  
 )  
CITY OF FAIRBANKS, JAMES )  
GEIER, CLIFFORD AARON RING, )  
CHRIS NOLAN, DAVE KENDRICK, )  
DOE OFFICERS 1-10, and DOE )  
SUPERVISORS 1-10, )  
 )  
Defendants. )  
\_\_\_\_\_ )

**AGREED ORDER**

The plaintiffs in the above actions having filed a Motion for Leave to File Amended Complaints, a Motion to Consolidate Complaints for the purpose of Discovery and Dispositive Motions and a Motion for Entry of a Scheduling Order, all parties being in agreement and this Court being fully informed, IT IS HEREBY ORDERED AS FOLLOWS:

1. Cases 17-cv-0034 and 17-cv-0035 shall be consolidated for the purpose of all discovery matters and all dispositive motions.
2. Plaintiffs in cases 17-cv-0034 and 17-cv-0035 will be granted until May 14, 2018, in which to file their Amended Complaints, which will relate back to the initial filings.



Vent will be permitted to file an amended complaint under a new case number. He will file his amended complaint by May 14, 2018. Vent's newly filed case shall be consolidated with the other two cases for the purposes of all discovery matters and all dispositive motions. The parties shall meet and confer at the conclusion of discovery and motions practice to determine and recommend to the Court whether the matters should be tried together or in separate trials.

3. The motion to dismiss currently pending in 17-cv-0034 is hereby withdrawn without prejudice pending the filing of Plaintiff Marvin Roberts's Second Amended Complaint.
4. Defendants will be granted until June 4, 2018 in which to answer or otherwise plead in response to the First Amended Complaint in 17-cv-0035, the Second Amended Complaint in 17-cv-0034, and Plaintiff Vent's First Amended Complaint filed under a separate case number.
5. Plaintiffs shall be granted until July 2, 2018 to respond to any consolidated Motion to Dismiss.
6. Defendants shall be granted until August 6, 2018 in which to file their Reply in Support of any Motion to Dismiss.
7. The parties shall file their Scheduling and Planning Conference Report in accordance with AK LCF 26(f) within 14 days of this Court's ruling on any Motion to Dismiss.

ENTERED THIS \_\_\_\_\_ DAY OF MARCH, 2018.

---

United States District Court Judge:

CERTIFICATE OF SERVICE

I certify that on the 14th day of March, 2018, a copy of the foregoing document was served electronically via the CM/ECF system on the following:

Case No. 4:17-cv-00035 HRH:

Thomas R. Wickwire  
Michael C. Kramer

Case No. 4:17-cv-00034 HRH:

Matthew Singer  
Peter Scully  
Joseph Evans  
Richard Sawyer  
Nick Brustin  
Anna Hoffman

s/Terri Flink

Terri Flink, Legal Assistant

AGREED ORDER

*FRESE, ET AL. V. CITY OF FAIRBANKS, ET AL*  
*ROBERTS V. CITY OF FAIRBANKS, ET AL.*

PAGE 3

CASE NO. 4:17-CV-00035-HRH  
CASE NO. 4:17-CV-00034-HRH